

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

In Re:

**ISRAEL MCKINNEY and
JENNIFER MCKINNEY**

Debtors.

In Bankruptcy No:

Case No: 22-11558 (Chapter 13)

**MOTION FOR EXPEDITED HEARING RELATING TO DEBTORS' MOTION TO QUASH
INTERNAL REVENUE SERVICE LEVY AND PROHIBIT TRUSTEE FROM DISBURSING
DEBTORS' FUNDS HELD BY THE TRUSTEE**

Israel McKinney and Jennifer McKinney, Debtors by their attorneys, PITTMAN & PITTMAN LAW OFFICES, LLC by Greg P. Pittman, hereby moves the Court for an Order to grant an expedited hearing on the Debtors' Motion Quash IRS levy and prohibit Mark Harring, Chapter 13 Trustee, from disbursing any funds currently being held.

Dated this 29th day of September, 2022 at La Crosse, Wisconsin.

PITTMAN & PITTMAN LAW OFFICES, LLC

By: s/Greg P. Pittman
Greg P. Pittman
Attorney for Debtors
Attorney No: 1073787
712 Main Street
La Crosse, WI 54601
(608) 784-0841

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**ISRAEL MCKINNEY and
JENNIFER MCKINNEY**

Debtors.

Case No: 22-11558 (Chapter 13)

AFFIDAVIT IN SUPPORT OF MOTION FOR EXPEDITED HEARING

STATE OF WISCONSIN)
) SS
COUNTY OF LA CROSSE)

Greg P. Pittman being first duly sworn on oath deposes and states as follows:

1. I am a member of Pittman & Pittman Law Offices, LLC and the attorney of record handling the Chapter 13 bankruptcy case #22-11558.
2. The Debtors filed a chapter 13 bankruptcy case in response to an IRS levy served upon the Chapter 13 Trustee, Mark Herring, in an attempt to levy the proceeds paid into the Trustee, but not paid out during that case. The funds being held at the Trustee's office are in the amount of \$38,326.92.
3. Upon information and belief, the IRS has not released the pre-petition levy. Further, the Chapter 13 Trustee, through its employees, stated that the Trustee intended to honor the levy and send the proceeds to the IRS post-petition.
4. The Debtors are seeking this emergency motion to quash the pre-petition levy and to prohibit the Trustee from disbursing any of the \$38,326.92 being held absent an agreement by the parties or a court order.
5. The Debtors owe a substantial amount of money to the IRS and these funds are necessary to make payments on the chapter 13 plan. The release of the funds will

cause the Debtors irreparable harm by removing these funds from property of the estate and the use of those estate funds to fund the chapter 13 plan.

6. This affidavit is in support of the Motion for Expedited Hearing.



s/Greg P. Pittman
Greg P. Pittman

Subscribed and sworn to before me
this 29th day of September, 2022.

s/Elizebeth Ystenes

Elizebeth Ystenes, Notary Public
My Commission expires: 3/30/2024.

